REGINA v. WONG KI CHIN; WONG KI CHIN v. REGINA; CHONG PAK CHEE & ANOR v. REGINA.

[A. Cr. J. (Spenser Wilkinson J.) January 18, 1955]

[Penang — Criminal Appeals Nos. 42, 43 & 44 of 1954]

Customs Ordinance, 1952, ss. 129 and 131 — Master and servant — Servant making false declaration and exporting prohibited goods — Plea in Bar by servant on acquittal of master — Forfeiture — Sentence.

The accused Wong Ki Chin was charged with two charges under s. 129 (1)(a) of the Customs Ordinance of making a false declaration regarding the contents and value of 60 cases of goods and also with exporting 50 (out of 60) cases of prohibited goods under s. 131 (1)(a). His two employers were also charged with similar charges but the charges against them were withdrawn before the hearing began and they were discharged and acquitted. Wong Ki Chin was convicted on the 1st and 3rd charges and fined $500 on each charge and the 60 cases were ordered to be forfeited.

Wong Ki Chin appealed against his conviction, sentence and order of forfeiture; and the Crown appealed against the inadequacy of the sentence.

One of the grounds of appeal was against the order of the learned President in rejecting the plea in Bar raised by Wong Ki Chin to the effect that the two employers having been acquitted there could be no conviction against the employee Wong Ki Chin.

Held, on this point: only if the master must, in all possible circumstances, be liable for the act of his servant might it be possible to say that the acquittal of the master must result in the acquittal of the servant.

On the order of forfeiture, it was argued that the subject matter of the offence of making a false declaration was the declaration itself and not the goods in respect of which the declaration was made.

Held: the 50 cases were forfeitable in respect of s.129 as well as s.131 of the Customs Ordinance. As regards the 10 cases which were correctly declared, there was insufficient evidence to show that they were deliberately put forward in order to procure the passing through of all the 60 cases.

On the question of sentence,

Held: s.131(1)(iii) of the Customs Ordinance provides that the minimum fine shall not be less than $5,000 except where the value of the goods is small in which case the minimum fine will be less than $5,000.

Cases referred to:—

(1) *Rex v. Cohen* (1951) 1 K.B. 505.

(2) *Ong Joo Chin v. Rex* (1946) M.L.J. 1.

(3) *Yap Yoon Lin v. Regina* (1954) M.L.J. 59.

(4) *Gardner v. James* (1948) W.N. 502.

(5) *Taylor v. Saycell* (1950) W.N. 479.

MAGISTRATE'S CRIMINAL APPEALS.

D. C. Jackson (Senior Federal Counsel) for the Crown.

Dato Sir Roland Braddell (*R. D. Hume* and *Ng Ek Teong* with him) for the accused.

Cur. Adv. Vult.

Spenser Wilkinson J. : — On the 3rd July, 1954 one Wong Ki Chin was brought before the Sessions Court in Case No. C (G.T.) 40 of 1954 charged with three offences under the Customs Ordinance, the first under Section 129(1)(a) that he had made a false declaration in respect of certain goods intended for export to Sumatra in that he declared 60 cases of goods to contain 72,000 yards of dyed cotton sateen drill whilst in fact those 60 cases contained 12,000 yards only of dyed cotton sateen drill and a large number of other goods, the export of which was prohibited; the second under the same provision that he had made a false declaration in that he declared the value of the same goods as $68,400 whereas their value was in fact $134,664.17; and the third that he was concerned in exporting prohibited goods to wit 60 cases of goods delivered for shipment to Sumatra contrary to Section 131(1)(a) of the Ordinance and punishable under Section 131(1)(iii).

On the same day Chong Pak Chee and Thian Kee Boo, who were the partners in a firm called Chung Nam & Co. and the employers of Wong Ki Chin, were brought before the same Court in case No. C (G.T.) 41 of 1954 charged with similar charges in respect of the same declarations and the export of the same prohibited goods, the only difference being that as regards the declarations they were alleged to have made those declarations by the hand of their servant Wong Ki Chin.

Wong Ki Chin, Chong Pak Chee and Thian Kee Boo, whom I shall refer to in this judgment for convenience as the 1st, 2nd and 3rd accused respectively, were tried together at the same time on these charges. All the three accused claimed trial and on the 7th August, 1954 the evidence of one witness for the prosecution was taken. The case was then adjourned to the 14th September. When the case came on for hearing again on that date the charges against the 1st accused were amended in minor particulars, the only material amendment being to the third charge which now charged the accused in respect of 50 cases of goods instead of the whole 60 cases. All the charges against the 2nd and 3rd accused were then withdrawn by the prosecution under Section 187 of the Criminal Procedure Code and thereupon the learned President discharged the 2nd and 3rd accused and ordered that such discharge should amount to an acquittal. The prosecution made no application or suggestion that the discharge should not amount to an acquittal.

The 2nd and 3rd accused having thus been acquitted Sir Roland Braddell, who appeared for all the three accused, raised a plea in Bar to the effect that the 2nd and 3rd accused having been acquitted there could be no conviction against the 1st accused. After argument upon this plea the learned President held against the 1st accused and his trial proceeded. At the conclusion of the trial the 1st accused was convicted on the first charge; he was discharged after due admonition on the second charge under Section 183 of the Criminal Procedure Code; and he was convicted upon the third charge. He was sentenced to a fine of $500 or six months' imprisonment in default on each of the first and third charges and an order was made forfeiting the whole of the 60 cases of goods in question.

Against these decisions of the learned President there were three appeals—first, an appeal by the Crown against the sentence on the third charge as being inadequate in the light of the provisions of Section 131 of the Ordinance; secondly, by Wong Ki Chin against the convictions and sentences and the order of forfeiture; and thirdly, by Chong Pak Chee and Thian Kee Boo against the order of forfeiture. As a precaution Chong Pak Chee and Thian Kee Boo also petitioned the Court to exercise its powers of revision in respect of the order of forfeiture in case it should be held that, not having been parties to that order, they had no right of appeal. All the appeals were heard together, including any considerations which might arise on revision.

I propose to deal first with that part of the case which relates to the overruling by the learned President of the plea in Bar. It was contended on behalf of the 1st accused that the 2nd and 3rd accused having been acquitted they must be regarded as innocent of the crime alleged for all purposes; and that as it had in effect been held that these two accused were not guilty of making a false declaration through their servant Wong Ki Chin it was not open then to the Crown to say that Wong Ki Chin could be guilty in respect of that very same declaration. It is common ground that by virtue of the provisions of sub-section (2) of Section 136 of the Customs Ordinance if a servant commits an offence against the Ordinance in the course of his employment then his employer is equally liable. If, therefore, the employer is innocent it was argued that the employee must necessarily also be innocent. The intention of the legislature it was argued is to render the master inescapably liable for the act of his servant, and it follows, therefore, equally inescapably that if the servant is acquitted the master must be acquitted. It was then argued that the converse must be true, so that if the master is acquitted of committing an offence by the hand of his servant then the servant himself must be acquitted.

I think it is unfortunate that when the prosecution withdrew the case against the partners they did not specifically apply to the learned President that the discharge should not amount to an acquittal at all events until the conclusion of the trial of the 1st accused. Although it has frequently been laid down that a discharge upon a withdrawal of the charge should amount to an acquittal unless there is a good reason to the contrary I am of opinion that this was clearly a case where there was a good reason either to refuse an acquittal or to defer a decision on the point until the case had been heard. Indeed, until the case against the 1st accused had been disposed of the Prosecution would be in some difficulty in explaining to the Court the reasons for withdrawal and without knowing all the circumstances the Court was not really in a position to exercise a full discretion as to whether or not the discharge should or should not amount to an acquittal.

Disadvantageous as the course adopted by the prosecution may have been, however, I have come to the conclusion that the learned President was right in refusing to accept the 1st accused's plea in Bar. Whilst I think it is clear that if a servant who commits an offence is acquitted then the master must be free of liability, I do not think that the converse is true. In considering whether or not the 1st accused was entitled to an acquittal on this ground regard must be had to the state of affairs as it existed when no evidence had been given. As far as the knowledge of the Court went at that moment the masters might well not have been liable for the offence of their servant, because the servant had not been acting in the course of his employment. The evidence which was subsequently given to the effect that the 1st accused was in fact acting in the course of his employment is in my opinion irrelevant to the plea. In my view only if the master must, in all possible circumstances, be liable for the act of his servant might it be possible to say that the acquittal of the master must result in the acquittal of the servant; and action outside the course of his employment by the servant would not render the master liable. To my mind the fallacy lying behind this plea is the implied supposition that an acquittal upon a charge of making a false declaration proves that it was not false. In fact, however, the acquittal may be due not to the lack of falsity but to the fact that the accused did not make it. This ground of appeal must, therefore, fail.

I shall now deal with the question whether the conviction of the 1st accused under Section 131 can stand. The case for the 1st accused on this point is that it was necessary for the prosecution to prove knowledge on his part that the goods in question were prohibited goods and that, although the prosecution is assisted by the presumption contained in sub-section (2) of Section 131, the accused's explanation was such as to rebut the presumption of knowledge on his part or at least to raise such a doubt as to whether or not he knew the goods to be prohibited goods as to entitle him to an acquittal.

In order to deal with this part of the case it is necessary to set out shortly the facts in so far as they are relevant to the third charge. The 1st accused was the outdoor shipping clerk of the firm of Chung Nam & Co. His work was mostly outside the office, but he had a desk in the front part of the shop from which there is some evidence that the inner part of the shop where the packing was done could not be seen. Chung Nam & Co. was apparently about to ship a consignment consisting of 60 cases of goods to Sumatra by the motor vessel "Prentis". These cases were packed by the storekeeper of the firm, Liew Sit Fong on the 21st and 22nd April. The goods which the storekeeper in fact packed into these 60 cases consisted, as to 10 cases of dyed cotton sateen drill and as to the other 50 cases of various goods such as saccharine, lighters, flints, gas mantles and so on. The export of these goods was prohibited except under licence. The storekeeper having finished the packing and nailed down the cases was struck down with appendicitis and admitted to hospital. Before leaving he told the bookkeeper of the firm to instruct the 1st accused to make the necessary Customs declaration with regard to the cases and to make that declaration in accordance with the letter of credit when it arrived. This message was duly given to the 1st accused and when the letter of credit arrived it was for 72,000 yards of dyed cotton sateen drill. The storekeeper had made out no list of the goods when he packed them and the 1st accused does not appear to have asked for one. On receipt of the letter of credit the 1st accused made out export declaration stating that all the 60 cases contained this drill and arranged for the shipment of the cases on board the ship. As the goods were being loaded on board the ship the Customs intervened and on examination of the cases discovered that only 10 of them contained dyed cotton sateen drill for which there was an export permit and that the other 50 cases contained these other goods for which there was no export permit.

There are two further facts which must be particularly noticed, one of which throws considerable suspicion on the whole transaction and the other of which throws some suspicion upon the accused himself. The first is that these 60 cases being numbered from 60 to 119 the 10 cases which in fact contained dyed cotton sateen drill were marked 64, 69, 74, 79, 84, 89, 94, 99, 104 and 109 This appears to make it clear that whoever numbered the cases did so knowing that those particular cases contained this dyed cotton sateen drill and that the other cases contained other things and that they were deliberately so marked so that they could be distinguished by whoever was in the conspiracy to evade the prohibition. The accused denied that he had numbered the cases and there is no satisfactory evidence as to who did. The other important fact is that the accused himself signed three declarations regarding the import of 51 cases of goods from Singapore, imported by the firm of Chung Nam & Co., and it is clear that the contents of these 51 cases were part of the contents of the 60 cases in question after they had been repacked. Accused did not take delivery of these goods, and there is no direct evidence to show that he knew what became of these goods.

Dealing with the question of the accused's knowledge the learned President in his grounds of decision says :—

> "With very great respect to the learned Counsel who appeared to defend, in my opinion the only deduction that any reasonable person quite apart from the presumptions contained in the Ordinance is that the Defendant must have known."

He then deals with the question of a sample as follows :—

> "Furthermore, he (the accused) was required to produce a sample for Consular invoice. It is difficult to know how he could have known what sample to exhibit to that invoice without having inspected the consignment. His explanation was that he knew the consignment had come from Singapore and so he took a piece of dyed cotton sateen drill that was in the stock of Chung Nam & Co. and exhibited that."

He then deals with the onus of proof thus :—

> "In addition to this there is of course the presumption as to knowledge contained in Section 131(2). I appreciate that this presumption is rebutted by a defendant who produces a reasonable explanation and I also appreciate the burden placed upon such defendant is not that placed on the prosecution, but it was quite clear from the evidence that the explanation put up by the defendant that he acted in blind faith on the word of the packer, P.W.2 without confirmation from the towkay was not to be believed."

With regard to the last paragraph which I have quoted the learned President does not say which particular circumstances caused him to find it unbelievable that the accused should act on the word of the packer without any confirmation from the towkay and I was at first inclined to wonder whether the learned President had sufficient grounds for thinking that this explanation was "unbelievable", especially as the

towkay was away at the time. But in the last sentence it will be seen that he uses the expression "it was quite clear from the evidence". I think that what the learned President meant was that in the light of the evidence as a whole the explanation of the accused could not be believed.

I think the principles as to the burden of proof in cases of this kind are those laid down in *Rex v. Cohen*[1]. That was a case of the possession of dutiable goods, but I think the same principles must apply to exporting prohibited goods. In the judgment of the Court of Criminal Appeal in that case the following passage appears to me to sum up the position:—

"So in the present class of case once it is proved that the accused person was knowingly in possession of dutiable goods on which he has not proved that duty has been paid, if he gives no explanation, he may be convicted of harbouring. If he does give an explanation, the jury should be told that if it either satisfies them that he did not know the goods were uncustomed or leaves them in doubt whether he knew, he should be acquitted."

It appears to me, therefore, that the learned President has directed himself substantially correctly though perhaps not in the exact words of the judgment quoted on the question of onus; and it is quite clear from his grounds of decision that the explanation of the accused did not leave him in any doubt that the accused knew that the goods in question were prohibited goods.

The learned President having thus directed himself correctly on the law this part of the appeal resolves itself into an appeal on a question of fact. Section 315 of the Criminal Procedure Code lays down that no judgment shall be reversed unless it is shown to the satisfaction of the High Court that it was either wrong in law or against the weight of the evidence. The local cases on this subject are summarised in the judgment of Worley J. in *Ong Joo Chin v. Rex*[2]. In the course of the judgment in that case he says:—

"In my opinion Section 315 requires that the Appellate Court should not refuse to accept an inference drawn by the Magistrate if it appears to be fair and reasonable, even though the Appellate Court might not have itself drawn that inference. An inference which is fair and reasonable cannot, I think, be said to be against the weight of evidence."

Upon various considerations set out in the grounds of appeal it was argued that the learned President should have accepted the explanation of the accused or at least that the explanation should have raised a reasonable doubt in his mind as to whether or not the accused knew what these goods were.

The considerations urged upon me were all before the learned President when he tried the case and the various points were put before him by Counsel; he had moreover the advantage which I have not had of seeing the various witnesses in the witness box.

Moreover, there are other matters to be considered. The premises of the firm in question do not appear to be very extensive, and I find it myself a little difficult to believe that the 1st accused took no interest in what became of the 51 cases of assorted goods in respect of which he himself signed import declarations on the 19th April, 1954. When it is found that these same goods formed part of the 60 cases which were repacked on the 21st and 22nd April on the firm's premises it is difficult to believe that the 1st accused knew nothing about it. Although it may not be possible to see the packing place from the accused's desk, a man is not chained to his desk; and although much of the accused's work was outside the office he must, I imagine, have gone in and out of the office fairly frequently. It is also to my mind somewhat significant that the message given by the storekeeper through the bookkeeper to the 1st accused was that "the goods" had been packed. This appears to me to imply that the 1st accused knew that some goods were being packed and was expected to know something about the shipment.

After a very careful consideration of the whole record I have come to the conclusion that the evidence was such that the learned President could properly come to the conclusion that he did. If I were convinced that the decision was wrong then it would be my duty to interfere; but I think that from the facts proved the inference that the accused knew what was in these cases was a fair and reasonable one which any jury which might have been trying the case would have been entitled to draw. I am unable to say that a reasonable jury properly directed must have been left in doubt as to the accused's knowledge. Indeed, I think such a jury would properly on the facts proved have convicted. The 1st accused has, therefore, failed in this appeal to discharge the onus upon him of showing that the learned President was wrong upon the facts. The appeal against the conviction under Section 131 (1) (a) must, therefore, also fail.

I think it follows from this that the order of forfeiture in regard to the 50 cases, the subject matter of the third charge, must stand Difficult questions arise, however, with regard to the remaining 10 cases. The relevant portion of Section 123 of the Customs Ordinance reads as follows:—

".....an order for the forfeiture of goods shall be made if it is proved to the satisfaction of the Court that an offence against this Ordinance or any regulation made thereunder has been committed and that the goods were the subject matter of or were used in the commission of the offence notwithstanding that no person may have been convicted of such offence."

Can it be said that these 10 cases of dyed cotton sateen drill were the subject matter of the offence of

making a false declaration? Sir Roland Braddell contends that the subject matter of the offences under Section 129 of the Ordinance are in each case the documents, so that in this case the subject matter of the offence of making a false declaration is the declaration itself and not the goods in respect of which the declaration was made. The case of *Yap Yoon Lin v. Regina*[3] was cited to me as one where the offence having been the making of a false declaration the goods were not forfeited. That case, however, was quite different from the present case. There the appellant had brought 96 dozen playing cards from Penang to Butterworth in a motor car. He was charged with and convicted of being knowingly concerned in conveying uncustomed goods, and on appeal it was held, in the circumstances of the case, that at the time the goods were being conveyed they were not uncustomed. The conviction was, therefore, altered to one under Section 129(1)(e) of failing to declare dutiable goods.

No question arose in that appeal as to the forfeiture or otherwise of the playing cards — indeed, it does not appear from the report what ultimately happened to the playing cards, though they were, of course, seized. However, this may be, the lower Court in that case made an order for the seizure of the motor car in which the playing cards had been carried. There could in my opinion be no question in that case either of the motor car being the subject matter or of its having been used in the offence of failing to declare the playing cards.

Whether or not in that case the playing cards were the subject matter of that offence was not decided, but it seems to me that in the ordinary everyday sense of that phrase they were. Whilst failure to declare specific goods is a different offence from making a false declaration there may be and often are cases where the gravamen of the offence is substantially the same. In the present case the offence was charged and described as being within paragraph (a) of Section 129; but I think that what the accused did could also be described under paragraph (e) as failing to declare the contents of the 50 cases of sundry goods; and as a result of the last few words of Section 123, notwithstanding that no person was convicted of that offence, if the Court is satisfied that the goods were the subject matter of that offence forfeiture must result. Whether or not these 50 cases were the subject matter of the offence actually charged does not, therefore, matter; but in my opinion the 50 cases were forfeitable in respect of Section 129 as well as in respect of Section 131.

The same considerations, however, appear to me to point to the conclusion that the 10 cases which in fact contained dyed cotton sateen drill and were so declared were not the subject matter of any offence. Whether these 10 cases can be said to have been used in the commission of any offence is a more difficult question. I think the only evidence of user in connection with this transaction is the evidence that the cases opened by the Customs before shipment into lighters were some of those which contained drill. If I were satisfied that those cases which were opened had been deliberately put forward in order to procure the passing through of all 60 cases then I would hold that the 10 cases had been used in the offence of exporting prohibited goods. I think the burden of proving this is upon the prosecution, and I am not satisfied on the evidence that this opening of cases of cloth was more than a coincidence. I hold, therefore, that the 10 cases which contained dyed cotton sateen drill should not have been forfeited.

There remains the question of sentence. With regard to the third charge the learned President appears to have read the provisions of paragraph (iii) of Section 131(1) as giving him a discretion with regard to the sentence he could impose. The paragraph in question reads as follows:—

> ".....shall, on conviction—
>
> (iii) in the case of prohibited goods, be liable to a fine of not less than twice the value of the goods or five thousand dollars, whichever is the lesser amount and of not more than five times the value of the goods or five thousand dollars whichever is the greater amount:
>
> Provided that where the value of the goods cannot be ascertained the penalty may amount to a fine not exceeding five thousand dollars."

No doubt where a Section states that on conviction a person shall be liable to a fine of $5,000 that indicates a liability up to a maximum of $5,000. Where, however, we find the words "shall be liable to a fine of *not less than* $5,000" I am unable to escape the conclusion that the legislature means what it says, and that the fine is to be not less than $5,000. Section 51 of the General Clauses and Interpretation Ordinance, 1948 reads as follows:—

> 51. Whenever in any written law a penalty is provided for an offence against such law, such provision shall be deemed to indicate that such offence shall be punishable, upon conviction, by a penalty not exceeding (except as may be otherwise expressly mentioned in such law) the penalty provided."

It was argued that there was no express mention in the Customs Ordinance so as to exclude the effect of this Section. It appears to me, however, that in the Customs Ordinance the legislature by the use of the words "not less than" has both expressly and clearly mentioned that punishment is to be a minimum.

It is true that the proviso is peculiar in that in those cases where the value of the goods cannot be ascertained no minimum penalty is laid down, but I think the reason for this is that it is only where the value of the goods is small that the minimum punishment will be less than $5,000 and it is only where the value of the goods is large that the penalty will be more than $5,000. However this may be, the wording of the principal paragraph is to my mind so clear that there is no justification for attempting to modify it in any way by reference to the proviso.

In my opinion, therefore, the learned President was bound to impose a penalty of $5,000 upon conviction on the third charge. I regret this conclusion, because I think the penalties imposed by the learned President were quite sufficient in the circumstances of the case. These provisions in Section 131 for minimum penalties have been carried over from the Customs Enactment, 1936. There may have been reasons at the time when that Enactment was passed for laying down minimum penalties, but in these days when Sessions Courts are presided over by qualified men it seems to me unfortunate that the legislature should have retained a provision which in effect abrogates an important provision of *Magna Carta* and may result in grave injustice to an accused person who has committed little more than a technical offence.

In his grounds of decision the learned President dealing with this question of sentence says :—

"If I had been convinced that I was wrong, I would have imposed $1,000 on the first charge and discharged the accused on the 2nd and 3rd charges."

I have grave doubts as to whether, in view of the finding of fact that the 1st accused knew what the goods were the learned President or this Court would be justified in adopting this course. I think the learned President had in mind the extenuating circumstances that the accused was an employee and was really acting on instructions. Moreover, it is a peculiar feature of this case that, although it seems impossible to see how various other persons (including the managing partner) were not involved in this matter, the whole burden of guilt has been placed on this one accused. There is also the point, as far as the export of the goods is concerned, that the prohibition is not absolute — it is a prohibition to export without licence. Although I have come to the conclusion, therefore, that there would be more justification for a discharge in respect of the offence under Section 131 than in respect of the false declaration under Section 129 yet I think it would not be right to act under Section 183 of the Criminal Procedure Code in order to evade the minimum penalty prescribed by the legislature. It has been laid down in England that Magistrates should not discharge an offender in respect of motoring offences involving a compulsory disqualification unless there are genuine extenuating circumstances justifying such discharge. (See *Gardner v. James*[4], *Tayor v. Saycell*[5]). The present case is not one I think in which any Magistrate would discharge if the question of this minimum penalty did not arise. I feel bound, therefore, to allow the appeal of the Crown and impose the minimum penalty of $5,000 in respect of the third charge, with six months' imprisonment in default.

These three charges being all part of the one transaction I think it is a case where concurrent sentences would be imposed if imprisonment were involved; and therefore having imposed a penalty of $5,000 on the third charge I shall reduce the fine in respect of the first charge to $1 or one day's imprisonment in default.

The order made by the Sessions Court for forfeiture of the goods is varied by substituting an order that the 50 cases mentioned in the third charge be forfeited.

Order accordingly.

Solicitors for the accused: *Hogan, Adams & Allan.*

LIM SOO HAK & ANOR. v. REGINA

[A. Cr. J. (Spenser Wilkinson J.) November 23, 1954]

[Penang — Criminal Appeal No. 49 of 1954]

Juvenile Courts Ordinance, 1947 ss. 12(3) and 13(4) — Procedure in trial before Juvenile Court.

In this case the 1st appellant who was a juvenile was charged in the Juvenile Court with assisting in carrying on a public lottery. She claimed trial and after hearing the evidence the Juvenile Court recorded a conviction and made an order for a fine of $1,000 to be paid by the father or the brother of the appellant. The record of trial did not show whether the father was present at the trial; nor was there any record that he was asked what he had to say.

Held: (1) there was in this case a breach of s. 13(4) of the Juvenile Courts Ordinance which provided that no order shall be made against the parent or guardian without giving the parent or guardian an opportunity to be heard; (2) there was also a breach of s. 12(3) of the Juvenile Courts Ordinance which provided that the word "conviction" shall cease to be used in relation to children and young persons dealt with by the Juvenile Court.

MAGISTRATE'S CRIMINAL APPEAL.

Lim Kheng Kooi for the appellants.

D. C. Jackson (Sr. Federal Counsel) for the respondent.

Spenser Wilkinson J. : — The 1st appellant was a juvenile and was charged in the Juvenile Court with assisting in carrying on a 100 number lottery and a